

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                           4:11CR3047  
                                )  
v.                            )  
                                )                           MEMORANDUM AND ORDER  
BRIAN MAXWELL,            )  
                                )  
Defendant.                 )

The defendant has moved to continue the pretrial motion deadline. Filing No. 21. Defense counsel explains additional time is needed to fully review the discovery before deciding if pretrial motions should be filed. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's motion to continue, (filing no. 21), is granted.
- 2) The defendant's pretrial motions and briefs shall be filed on or before August 12, 2011.
- 3) Trial of this case remains set to commence on August 22, 2011.
- 4) The ends of justice served by granting defendant's motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between July 14, 2011 and August 12, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

July 15, 2011

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge